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MINISTRY OF LAW (Legislative Department)

New Delhi, the 27th August, 1960/Bhadra 5, 1882 (Saka)

The following Acts of Parliament received the assent of the President on the 26th August, 1960, and are hereby published for general information:—

THE BANKING COMPANIES (AMENDMENT) ACT, 1960

No. 23 of 1960

[26th August, 1960]

An Act further to amend the Banking Companies Act, 1949.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Banking Companies (Amendment) Act, 1960. Short title.

10 of 1949. 2. After section 34 of the Banking Companies Act, 1949, the following section shall be inserted, namely:— Insertion of new section 34A.

14 of 1947. “34A. (1) Notwithstanding anything contained in section 11 of the Industrial Disputes Act, 1947, or any other law for the time being in force, no banking company shall, in any proceeding under the said Act or in any appeal or other proceeding arising therefrom or connected therewith, be compelled by any authority before which such proceeding is pending to produce, or give inspection of, any of its books of account or Production of documents of confidential nature.

other document or furnish or disclose any statement or information, when the banking company claims that such document, statement or information is of a confidential nature and that the production or inspection of such document or the furnishing or disclosure of such statement or information would involve disclosure of information relating to—

(a) any reserves not shown as such in its published balance sheet; or

(b) any particulars not shown therein in respect of provisions made for bad and doubtful debts and other usual or necessary provisions.

(2) If, in any such proceeding in relation to any banking company other than the Reserve Bank of India, any question arises as to whether any amount out of the reserves or provisions referred to in sub-section (1) should be taken into account by the authority before which such proceeding is pending, the authority may, if it so thinks fit, refer the question to the Reserve Bank and the Reserve Bank shall, after taking into account principles of sound banking and all relevant circumstances concerning the banking company, furnish to the authority a certificate stating that the authority shall not take into account any amount as such reserves and provisions of the banking company or may take them into account only to the extent of the amount specified by it in the certificate, and the certificate of the Reserve Bank on such question shall be final and shall not be called in question in any such proceeding.

(3) For the purposes of this section, "banking company" shall have the meaning assigned to it in the Industrial Disputes Act, 1947."

14 of 1947.

THE DELHI LAND HOLDINGS (CEILING) ACT, 1960

No 24 of 1960

[26th August, 1960]

An Act to provide for the imposition of a ceiling on land holdings in the Union territory of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Delhi Land Holdings (Ceiling) Act, 1960.

Short title
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Delhi, but shall not apply to—

(a) the areas which, immediately before the 1st day of November, 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911, or in a cantonment under the provisions of the Cantonments Act, 1924;

Punjab Act
3 of 1911.

2 of 1924.

(b) the areas owned by the Central Government or any local authority; and

(c) the areas held and occupied for a public purpose or for a work of public utility and declared as such by the Chief Commissioner or the areas acquired under any enactment relating to the acquisition of land for a public purpose.

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “ceiling limit”, in relation to land, means the limit fixed under section 3;

(b) “Chief Commissioner” means the Chief Commissioner of Delhi;

(c) “competent authority” means any person or authority authorised by the Chief Commissioner by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(d) “family”, in relation to a person, means the person, the wife or husband, as the case may be, and the dependent children and grandchildren, of such person;

(e) “minor” means a person who is deemed not to have attained majority under the Indian Majority Act, 1875;

9 of 1875.

(f) “person under disability” means—

(i) a widow;

(ii) a minor;

(iii) a woman unmarried or, if married, divorced or judicially separated from her husband or whose husband is a person falling under sub-clause (iv) or sub-clause (v);

(iv) a member of the Armed Forces of the Union;

(v) a person incapable of cultivating land by reason of some physical or mental disability;

(g) “prescribed” means prescribed by rules made under this Act;

(h) the words and expressions "Asami", "Bhumidhar", "Deputy Commissioner", "Gaon Panchayat", "improvement", "land", "standard acre" and "village" shall have the meanings respectively assigned to them in the Delhi Land Reforms Act, 1954.

Delhi Act 8
of 1954

CHAPTER II

CEILING ON HOLDINGS AND VESTING AND ALLOTMENT OF EXCESS LAND

Ceiling on
holdings.

3. No person either by himself or, if he has a family, together with any other member of his family (hereinafter referred to as the person representing the family) shall, whether as a Bhumidhar or an Asami or partly in one capacity and partly in another, hold land in excess of thirty standard acres in the aggregate:

Provided that where the number of members of the family of such person exceeds five, he may hold five additional standard acres for each member in excess of five, so however, as not to exceed sixty standard acres in the aggregate.

Explanation.—In the case of a company, an association or any other body of individuals, the ceiling limit shall be thirty standard acres.

Submission
of returns.

4. Every person representing a family who at the commencement of this Act holds, or has at any time during the period between the 10th day of February, 1959, and such commencement held, land in excess of the ceiling limit shall submit to the competent authority, in such form and within such time as may be prescribed, a return giving the particulars of all land held by him and indicating therein the parcels of land, not exceeding the ceiling limit, which he desires to retain:

Provided that in the case of a joint holding, all co-sharers may submit the return jointly indicating the parcels of land, not exceeding the aggregate of their individual ceiling limits, which they desire to retain.

Explanation.—In the case of a person under disability, the return shall be furnished by his guardian or authorised agent, as the case may be.

Collection of
information
through
other
agency.

5. If any person, who under section 4 is required to submit a return, fails to do so in accordance with the provisions of that section, the competent authority shall collect the necessary information through such agency as may be prescribed.

Procedure
for deter-
mination of
excess land.

6. (1) On receipt of any return under section 4 or information under section 5 or otherwise, the competent authority shall, after giving the persons affected an opportunity of being heard, hold an

inquiry in such manner as may be prescribed, and having regard to the provisions of section 7 and section 8 or of any rules that may be made in this behalf, it shall determine—

- (a) the total area of land held by each person representing the family;
- (b) the specific parcels of land which he may retain;
- (c) the land held by him in excess of the ceiling limit;
- (d) whether such excess land is held by him as a Bhumidhar or as an Asami;
- (e) the excess land in respect of which Bhumidhari rights may be acquired by an Asami;
- (f) the excess land which may be restored to a Bhumidhar;
- (g) the excess land which shall vest in the Government;
- and
- (h) such other matters as may be prescribed.

(2) For the purpose of determining the excess land under this section, any land transferred at any time during the period between the 10th day of February, 1959 and the commencement of this Act shall, notwithstanding such transfer, be deemed to be held by the transferor.

(3) The competent authority shall prepare a list in the prescribed form containing the particulars determined by him under subsection (1) and shall cause every such list to be published in the Official Gazette and also in such other manner as may be prescribed.

7. (1) Where any person holding land in excess of the ceiling limit at any time during the period between the 10th day of February, 1959 and the 25th day of November, 1959, has transferred during such period any part of his land to any other person under a registered deed for valuable consideration, the excess land to be determined under section 6 shall, to the extent possible, be selected out of the land held at the commencement of this Act by the transferor in excess of eight standard acres and no land shall be selected out of the land transferred.

Selection of excess land in cases of certain transfers

(2) Where any person holding land in excess of the ceiling limit at any time—

(a) during the period between 10th day of February, 1959 and the 25th day of November, 1959, has transferred during such period any part of his land to any other person in any manner other than under a registered deed for valuable consideration, or

(b) during the period between the 25th day of November, 1959 and the commencement of this Act has transferred during

such period any part of his land to any other person in any manner whatsoever,

the excess land to be determined under section 6 shall be selected out of the lands held at the commencement of this Act by the transferor and the transferee in the same proportion as the land held by the transferor bears to the land transferred and where no land is held by the transferor, out of the land transferred.

(3) Where excess land is to be selected out of the lands of more than one transferee, such land shall be selected out of the lands held by each of the transferees in the same proportion as the area of the land transferred to him bears to the total area of the lands transferred to all the transferees.

(4) Where any excess land is selected out of the land transferred, the transfer of such land shall be void.

(5) Notwithstanding anything hereinbefore contained, the excess land to be selected shall in no case include the homestead land of a person.

Explanation.—For the purposes of this sub-section, "homestead land" means the land on which the homestead (whether used by the owner or let out on rent) stands together with any courtyard, compound and attached garden, not exceeding one acre in the aggregate.

Excess land
to vest in
Government.

8. (1) Where any excess land of a Bhumidhar is in his actual possession, the excess land shall vest in the Government.

(2) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and the excess land together with any other land held by such person exceeds his ceiling limit, the land in excess of the ceiling limit shall vest in the Government.

(3) Where any excess land of a Bhumidhar is in the possession of a person holding the same as an Asami and such person is allowed to retain the excess land or a part thereof as being within his ceiling limit, that person shall acquire Bhumidhari rights in respect of such excess land or part thereof on payment of compensation as hereinafter provided, but if that person refuses to pay such compensation, the excess land or part thereof shall vest in the Government.

(4) Where there is any excess land of an Asami, the excess land shall vest in the Government:

Provided that in any case where the excess land or any part thereof held by a Bhumidhar together with any other land held by such person does not exceed the ceiling limit, the excess land or such part thereof as does not exceed the ceiling limit shall be restored to

the Bhumidhar on an application made by him in this behalf to the competent authority within such time as may be prescribed.

9. (1) Any person aggrieved by an entry in the list published under sub-section (3) of section 6 may, within thirty days from the date of publication thereof in the Official Gazette, file objections thereto before the Deputy Commissioner:

Publication
of the final
list and con-
sequences
thereof.

Provided that the Deputy Commissioner may entertain the objection after the expiry of the said period of thirty days, if he is satisfied that the objector was prevented by sufficient cause from filing the objection in time.

(2) The Deputy Commissioner or any other officer authorised in this behalf by the Chief Commissioner may, after considering the objections and after giving the objector or his representatives an opportunity of being heard in the matter, approve or modify the list.

(3) The list as approved or modified under sub-section (2) shall then be published in the Official Gazette and also in such other manner as may be prescribed and, subject to the provisions of this Act, the list shall be final.

(4) With effect from the date of the publication of the list in the Official Gazette under sub-section (3), the excess land shall stand transferred to, and vest in, the Government free of all encumbrances or, as the case may be, the excess land shall stand restored to the Bhumidhar or the Bhumidhari rights in respect of the excess land shall stand transferred to the Asami free of all encumbrances.

10. (1) Where any excess land of a Bhumidhar vests in the Government, there shall be paid by the Government to the Bhumidhar compensation the amount of which shall be equal to twenty times the net income from such land:

Compensation.

Provided that where such excess land or any part thereof is in the possession of an Asami, the compensation in respect of the land shall be apportioned between the Bhumidhar and the Asami in such proportion as may be determined by the competent authority in the prescribed manner, having regard to their respective shares in the net income from such land.

Explanation—For the purposes of sub-section (1), the net income from any land shall be deemed to be one-fifth of the value of the average yearly gross produce of the land, calculated in such manner as may be prescribed.

(2) In addition to the compensation payable in respect of any excess land under sub-section (1), there shall also be paid compensation in respect of any structure or building, including wells, tube-wells and embankments constructed on such excess land and any

trees planted thereon and such compensation shall be determined by the competent authority having regard to the market value of such structure or building or the value of such trees and shall be paid to the person who has constructed the structure or building or planted the trees.

(3) Where any excess land in respect of which compensation is payable is subject to any mortgage or other encumbrance, the amount due under the mortgage or other encumbrance in respect of such excess land, or where a transfer in respect of excess land is void by virtue of sub-section (4) of section 7, the consideration money paid by the transferee in respect of such excess land, shall be a charge on the compensation payable in respect of the excess land to the person who has created the mortgage or encumbrance or, as the case may be, to the transferor.

(4) Where an Asami acquires Bhumidhari rights in respect of any excess land, the compensation payable by him in respect of that land shall be equal to the amount which the Bhumidhar would have been paid as compensation under the proviso to sub-section (1) or sub-section (2), if the land had vested in the Government; and the amount shall, in the first instance, be paid to the Bhumidhar by the Government and shall be recovered from the Asami in such manner as may be prescribed

(5) Where any excess land of a religious or charitable institution vests in the Government, such institution shall, in lieu of compensation payable under sub-section (1) or sub-section (2) be paid an annuity equal to the net annual income of the excess land and such net annual income shall be determined by the competent authority in the prescribed manner.

(6) The competent authority shall, after holding an inquiry in the prescribed manner, make an order determining the amount of compensation payable to any person under this section.

Manner of
payment of
compensation

11. (1) The compensation payable under section 10 shall be due on the date of the publication of the list in the Official Gazette under sub-section (3) of section 9 and may be paid in cash, in a lump sum or in instalments or in bonds.

(2) Where the compensation is payable in bonds, the bonds may be made not transferable or transferable by endorsement or in any other manner but all such bonds shall be redeemed within such period, not exceeding ten years from the date of issue, as may be prescribed.

(3) Where there is any delay in the payment of compensation or where the compensation is paid either in instalments or in bonds, it

shall carry interest at the rate of two and a half per cent. per annum from the date on which it falls due.

12. No person representing a family shall acquire in any manner whatsoever whether by transfer, exchange, lease, agreement or succession any land where such acquisition has the effect of making the total area of the land held by him exceed the ceiling limit; and any such land in excess of the ceiling limit shall, subject to the provisions of the Delhi Land Reforms Act, 1954, be treated as excess land of the transferee and the provisions of sections 6 to 11 shall, as far as may be, apply to such excess land.

Delhi Act 8
of 1954.

Limit of
future
acquisition
of land.

13. Where a person representing a family holds land not exceeding the ceiling limit, but subsequently the land held exceeds the ceiling limit, then, notwithstanding anything contained in this Chapter, such person shall not be required to surrender any part of the land on the ground that it is excess land, if such excess is due to any improvements effected in the land by the efforts of the family or to a decrease in the number of its members.

Excess land
not to be
surrendered
in certain
cases.

14. After the publication of the list of excess land under sub-section (3) of section 9, and after demarcation in the prescribed manner of such land where necessary, the Deputy Commissioner may take possession of any excess land and may use or cause to be used such force as may be necessary for the purpose.

Power of De-
puty Com-
missioner
to take
possession of
excess land.

15. The Chief Commissioner may reserve any excess land vesting in the Government under the provisions of this Act for the benefit of the village community or for any work of public utility or for such other purposes as may be prescribed.

Reservation
of land for
certain pur-
poses.

Provided that where such land is not being used for the aforesaid purposes, it may be used by the Gaon Panchayat for such purposes as the Chief Commissioner may direct.

16. Subject to any rules that may be made in this behalf, the Chief Commissioner or any officer authorised by him may allot any excess land vesting in the Government (other than land reserved under section 15) to such persons and on such terms and conditions as he thinks fit.

Allotment of
excess land.

CHAPTER III

MISCELLANEOUS

17. Save as otherwise expressly provided, the provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, custom or usage or agreement or decree or order of a court.

Act to over-
ride contract
and other
laws.

Mode of recovery of any amount due under the Act.

18. Any sum payable to the Government under the provisions of this Act may be recovered in the same manner as an arrear of land revenue.

Appeal.

19. Any person aggrieved by an order made by the competent authority under section 10, may, within a period of thirty days from the date of the order, prefer an appeal to the Deputy Commissioner:

Provided that the Deputy Commissioner may entertain the appeal after the expiry of the said period, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Revision.

20. (1) The Chief Commissioner may, on an application for revision made to him or otherwise, call for the record of any proceeding pending before, or disposed of by, the competent authority or the Deputy Commissioner or any officer authorised by the Chief Commissioner under sub-section (2) of section 9.

(2) No order varying the decision of the competent authority or the Deputy Commissioner or revising the list published under section 9 which prejudicially affects any person shall be made without giving him an opportunity of being heard.

Power of officers while holding inquiries, etc., under the Act.

21. Any officer or authority while holding an inquiry or hearing an appeal or exercising powers of revision under this Act shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents and material objects;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

Entry upon land for purposes of survey, etc.

22. Subject to any conditions and restrictions that may be prescribed, any officer entrusted with the performance of any duty under this Act may, in the discharge of such duty, enter upon and survey and take measurement of any land and do all other acts necessary for carrying out his duties under this Act.

Offences and penalties.

23. (1) Whoever being bound to submit a return under section 4 fails without reasonable cause to do so, within the prescribed time, or submits a return which he knows or has reason to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever contravenes any lawful order made under this Act or otherwise obstructs any person from lawfully taking possession of any land shall be punishable with fine which may extend to one thousand rupees.

24. (1) Subject to the provisions of this Act, every order made under this Act shall be final.

Finality of orders and bar of jurisdiction.

(2) No civil court shall have jurisdiction to entertain any suit or proceeding in so far as it relates to any matter which the competent authority or the Deputy Commissioner is empowered by or under this Act to decide.

25. No suit or other legal proceeding shall lie against the Government or any authority or officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

Protection of action taken under the Act.

26. (1) The Chief Commissioner may, on an application made to him in this behalf within three months from the commencement of this Act, exempt from the operation of section 3,—

Power to exempt, etc.

(a) any person who holds a compact block of land exceeding the ceiling limit which—

(i) is being used as an orchard from before the 10th day of February, 1959; or

(ii) is being used as a farm in which heavy investment or permanent structural improvements have been made and which, in the opinion of the Chief Commissioner, is being so efficiently managed that its break up is likely to result in a fall in production:

Provided that, where such person holds the compact block of land together with any other land, he shall be permitted to elect to retain either the compact block of land, notwithstanding that it exceeds the ceiling limit or the other land not exceeding the ceiling limit;

(b) any specialised farm which is being used for cattle breeding, dairy or wool raising;

(c) any land which is being held by a co-operative society, provided that where a member of any such society holds a share in such land, his share shall be taken into account in determining his ceiling limit;

(d) any land held by a body notified by the Chief Commissioner under section 33 of the Delhi Land Reforms Act, 1954, as in force before such commencement:

Delhi Act 8 of 1954.

Provided that the Chief Commissioner may entertain the application after the expiry of the said period of three months,

if he is satisfied that the applicant was prevented by sufficient cause from making the application in time.

(2) Where any land in respect of which exemption has been granted to a person under clause (a) of sub-section (1) is transferred to another person, the Chief Commissioner may, on an application made to him within three months from the date of the transfer, exempt the transferee from the operation of section 3 and section 12 and the provisions of the said clause shall, as far as may be, apply to the grant of such exemption.

(3) Where the Chief Commissioner is of opinion that the use of land for any specified purpose is expedient or necessary in the public interest, he may, by notification in the Official Gazette, make a declaration to that effect and on the issue of such notification, any person may, notwithstanding anything contained in section 12, acquire land in excess of the ceiling limit for being used for such specified purpose and such person shall, within one month from the date of such acquisition, send intimation thereof to the competent authority.

(4) Where any land in respect of which exemption has been granted under sub-section (1) or sub-section (2) or sub-section (3) ceases to be used, or is not within the prescribed time used, for the purpose for which exemption had been granted, the Chief Commissioner may, after giving the persons affected an opportunity of being heard, withdraw such exemption.

**Power to
make rules.**

27. (1) The Chief Commissioner may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form in which and the period within which a return under section 4 may be submitted;

(b) the agency through which information under section 5 may be collected;

(c) the manner of holding inquiries under this Act;

(d) the matters which may be determined by the competent authority under sub-section (1) of section 6 and the manner of determination of excess land under the Act;

(e) the form in which a list under sub-section (3) of section 6 or sub-section (3) of section 9 may be prepared and the manner of publication of such list;

(f) the period within which an application for restoration of excess land of an Asami may be made by the Bhumidhar;

(g) the manner of apportionment of compensation between the Bhumidhar and the Asami in respect of any excess land in the possession of the Asami;

(h) the manner of determination of the net annual income of any excess land for the purposes of payment of compensation;

(i) the manner of assessment of market value of structures and buildings and the value of trees for the purpose of payment of compensation;

(j) the number of instalments in which compensation under this Act may be paid or recovered; and the period within which bonds may be redeemed;

(k) the manner of demarcation of excess land;

(l) the purposes for which land may be reserved under section 15;

(m) the categories of persons to whom excess land may be allotted and the terms and conditions on which such allotment may be made;

(n) the powers of a civil court which may be vested in any officer or authority holding an inquiry;

(o) the conditions and restrictions subject to which an officer may enter upon any land for the purpose of survey and taking measurement;

(p) the levy of fees in respect of any matter under this Act;

(q) any other matter which has to be, or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be

of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Amendment of the Delhi Land Reforms Act, 1954. 28. In the Delhi Land Reforms Act, 1954, for section 33, the following section shall be substituted, namely:— Delhi Act 8 of 1954.

Restrictions on transfers by a Bhumidhar.

“33. No Bhumidhar shall have the right to transfer by sale or gift or otherwise any land to any person, other than a religious or charitable institution or any person in charge of any such Bhoodan movement, as the Chief Commissioner may, by notification in the Official Gazette, specify, where as a result of the transfer, the transferor shall be left with less than eight standard acres in the Union territory of Delhi:

Provided that the Chief Commissioner may exempt from the operation of this section, the transfer of any land made before the 1st day of December, 1958, if the land covered by such transfer does not exceed one acre in area and is used or intended to be used for purposes other than those mentioned in clause (13) of section 3.”

R. C. S. SARKAR,
Secretary.